

**Notice of Allowability****Application No.**

09/832,770

**Applicant(s)**

DE LA HUERGA

**Examiner**

Vit W. Miska

**Art Unit**

2833

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amdmt of 7/20/2010 and Interview of 7/22/2010.
2. ☒ The allowed claim(s) is/are 1,4,5,7-10,12-40 and 154-168.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 3/19/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 20101025
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/Vit W. Miska/  
Primary Examiner, Art Unit 2833

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with M. Jaskolski on 10/22/2010.

The application has been amended as follows:

In claim 1, line 11, after "information" insert:

"via rf communication" ;

In claim 22, line 9, after "area" insert:

"via rf communication" ;

In claim 155, line 13, after "information" insert:

"via rf communication" ;

In claim 164, line 10, after "information" insert:

"via rf communication" .

**Rejoinder of Withdrawn Claims**

Claims 1 and 22 are allowable. Claims 12-14, 16, 18-21, 30-32, 34-35 and 37-40, previously withdrawn from consideration as a result of a restriction requirement, include all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), **the restriction requirement among inventions, as set forth in the Office action mailed on 2/26/2004, is hereby withdrawn** and the withdrawn claims are hereby rejoined and fully examined for patentability under 37 CFR 1.104. In view of the withdrawal of the restriction requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

**The following is an examiner's statement of reasons for allowance:**

Claim 1 and the dependent claims are allowed because the prior art does not disclose or suggest a medication system comprising at least one container having a container memory containing specifying information, a communication device, a timing device, a reminder device memory, a processor and an associated surface, the processor receiving the specifying information via rf communication when the container memory device is proximate the surface, the processor using the specifying information to obtain prescribed dosing regimen information from a location other than the reminder device memory, in combination with the remaining elements of claim 1.

Claim 22 and the dependent claims are allowed because the prior art does not disclose or suggest a medication system comprising at least one container having a specifying device containing specifying information, a sensor defining a sensor area, the sensor capable, of receiving at least two specifying devices at the same time, the sensor receiving the specifying information from each of the specifying devices within the sensing area via rf communication, a reminder device memory, a processor linked to the reminder device memory, the processor using the specifying information to identify prescribed dosing regimen information from a location other than the reminder device memory, in combination with the remaining elements of claim 22.

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Claim 155 and the dependent claims are allowed because the prior art does not disclose or suggest a method for use with a medication system comprising at least one container having a container memory containing specifying information, a communication device, a timing device, a processor that includes a reminder device memory that is associated with a surface. the processor linked to the communication device , comprising the steps of at a first time when the container memory is disposed proximate the surface, receiving the specifying information via rf communication, using the specifying information to identify a prescribed dosing regimen without accessing the reminder device memory, in combination with the remaining elements of claim 155.

Claim 164 and the dependent claims are allowed because the prior art does not disclose or suggest a medication system comprising at least one container having a memory device containing specifying information, a reminder unit that defines a plurality of distinct locations, a separate sensor associated with each location, a processor and an associated surface, the processor receiving the specifying information via rf communication when the memory device is proximate the associated surface, the processor using the specifying information to obtain prescribed dosing regimen information and associating the prescribed dosing regimen information with the first of the plurality of locations, in combination with the remaining elements of claim 164.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 571-272-2108. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on 571-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vit W. Miska/  
Primary Examiner, Art Unit 2833